

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,624	06/19/98	PHAN	D 7187

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IM62/0901

EXAMINER

PRATT, C

ART UNIT	PAPER NUMBER
1771	19

DATE MAILED: 09/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/100,624	PHAN, DEAN VAN
	Examiner Christopher C. Pratt	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 6/31/00.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-9,11-18 and 20-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-9,11-18 and 20-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) _____.
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	20) <input type="checkbox"/> Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 6/30/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/100624 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Amendment

2. Applicant's amendments and accompanying remarks filed 6/30/00 have been entered and carefully considered. Applicant's amendment is found to overcome the 112 indefinite rejection of claim 4. Despite this advance, the amendments are not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection, necessitated by applicant's amendment to independent claim 1. Because independent claims 9 and 16 have not been amended in an attempt to overcome the prior art the rejection set forth in the last two office actions is maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-8, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trokhan (5556509) in view of Deschamps (FR 394134).

Applicant has amended the claims to include the limitation of the first lamina comprising a **woven** reinforcing structure. Trokhan discloses a papermaking belt comprising two laminae joined together. The first lamina is represented by layers "240" and "250" of fig. 2. The second lamina is represented by layers "244" and "232" of fig.

2. Trokhan fails to teach that layer "240" can be a woven layer, as pointed out by applicant.

Deschamps' patent is concerned with the creation of a papermaking belt. Deschamp's teaches the creation of paper web contacting surface comprised of a woven or nonwoven fabric with a patterned resin layer disposed thereon (col. 2, lines 10-30 and col. 3, lines 20-35). Based on this teaching it would be obvious to one of ordinary skill in the art that woven and nonwoven fabrics are equivalent to each other for the purposes of reinforcing a resin layer in a papermaking belt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a woven fabric as layer "240" of Trokhan. The selection of either of these known equivalents would be within the level of ordinary skill in the art. Furthermore, a person

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of ordinary skill in the art would have been motivated to utilize the woven layer of Deschamps as layer "240" of Trokhan. Such a substitution would have been motivated by the reasoned expectation of providing increased water drainage through the composite laminate.

Trokhan discloses dependant claims 2-3, and 5-8 as set forth in the last two office actions, and untraversed by applicant.

Claims 22 and 25 are also disclosed by Trokhan (col. 3, lines 55-61).

With respect to claim 23, the air permeability claimed by applicant would be inherent in the laminate created by the combination of Trokhan and Deschamps. Furthermore, it would be obvious to a person of ordinary skill in the art to vary the air permeability, motivated by the reasoned expectation of changing the capability of the belt to allow air and water to pass through it, which would create faster papermaking speeds.

With respect to claim 24, it would have been obvious to a person of ordinary skill in the art to utilize a square weave woven fabric having a shed of 2. The examiner takes official notice that such modifications in weave patterns are extremely common and well known in the art.

5. Claims 9 and 11-18, and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Trokhan (5556509) in view of Trokhan (5624790), as set forth in the last two office action. Applicant's arguments filed 6/30/00 have been fully considered but they are not persuasive. Applicant has not amended the claims in an attempt to

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overcome the prior art. Applicant argues that there is no motivation to combine "509" with '790. Examiner reiterates the response to this argument found in the last office action, in which the motivation was cited. Applicant argues that these references are not combinable because they are drawn to slightly different methods of creating paper. Examiner contents that even if this were true the two patents are close enough that they are clearly both analogous methods of making paper and would be obvious sources of information to a person of ordinary skill in the art. Furthermore applicant fails to provide any evidence that said combination would not result in a stronger, more durable papermaking belt, as set forth by the Examiner. Applicant also states that even after combining these references one still does not obtain applicant's invention. However, applicant fails to point out a single missing limitation.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number and e-mail address is 703-305-6559 and Christopher.Pratt@uspto.gov. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm. Applicants are hereby reminded of the Patent Office regulations in which the office is not responsible for any emails read by unintended parties, and all email communications are strictly unofficial.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Christopher C. Pratt
August 28, 2000



CHERYL JUSKA
PATENT EXAMINER